

# FILED

IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF OKLAHOMA

OCT 23 2014

CARMELITA REEDER SHINN, CLERK  
U.S. DIST. COURT, WESTERN DIST. OKLA.  
BY    , DEPUTY

AMY M. WELLS,

Plaintiff,

vs.

CAROLYN W. COLVIN, Acting  
Commissioner, Social Security  
Administration,

Defendant.

No. CIV-13-1127-W

## ORDER

On October 2, 2014, United States Magistrate Judge Suzanne Mitchell issued a Report and Recommendation in this matter and recommended that the decision of defendant Carolyn W. Colvin, Acting Commissioner of Social Security ("Commissioner"), denying the Application for Supplemental Security Income filed by plaintiff Amy M. Wells be reversed. Magistrate Judge Mitchell further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to the Report and Recommendation, see Doc. 20 at 6, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Mitchell's determination that reversal and remand of this matter is warranted because the Administrative Law Judge ("ALJ") failed to properly assess Wells' severe impairment of multiple sclerosis at step three of the five-step sequential evaluation process.<sup>1</sup>

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<sup>1</sup>Having determined that remand is warranted for this reason, the Court has not considered Wells' argument that the ALJ also erred at step five. E.g., Watkins v. Barnhart, 350 F.3d 1297, 1299 (10<sup>th</sup> Cir. 2003)(analysis is sequential; court therefore need not reach remaining issues because they may be affected by ALJ's treatment of case on remand).

Accordingly, the Court

(1) ADOPTS the Report and Recommendation [Doc. 20] issued on October 2, 2014;

(2) REVERSES the Commissioner's decision denying Wells' Application for Supplemental Security Income;

(3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Mitchell's Report and Recommendation; and

(4) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 23rd day of October, 2014.

  
LEE R. WEST  
UNITED STATES DISTRICT JUDGE